Frank Jerger, who lives at the corner of balley and Kensington evenues. He saw the automobile come down Kensington avenue from the west, go south on Be iley avenue 1,000 feet and the naturn to Kansington avenue. Pennell was running the mechine as slowly as he could. Jerger aw him maneuvring for an bour.

Q. Did you notice at that time whether the top of the automobile was down or up?

A. Well, I am not so well posted. Furthermore, I pay no attention to them wheels outside.

ATTORNEY PENNEY OBJECTS.

Penney-Just a moment. I object and other things not relevant to the The Court—You have no right to make objection. I want to hear all about it.

Mr. Penney—I think I have a right, if

Mr. Penney—I think I have a right, if our Honor pleases.
The Court—I don't think you have.
Mr. Penney—Well, if your Honor pleases, think that there is a common law right the part of any one to insist that if there a legal proceeding affecting the rights any person it only be affected by gal evidence, and if this is an inquest to the cause of death of Arthur R. Pennell en I insist that nothing but legal evidence this time be taken.

court—Well, I think that I understand how to conduct this examination, and there is a question here whether this was suicide or whether it was an accident. The movements of this automobile, the from the time he left his house until the time he went over the brink, I want to know

MOVEMENTS OF THE AUTOMOBILE. The Witness—I was standing in front of he barn, about quarter past 5 and noticed his wheel come up along Kensington and lalley avenues, and knew that that is the lushiest corner in the city when it rains.

Q. Was it raining at that time? A. It ras pouring down. It wasn't raining; it ras pouring That is how I know it was hat wheel.

that wheel.

Mr. Penney—If your Honor please, I suppose, perhaps, this is something interesting, but, according to my view, is anything but a legal proceeding. I do not see how

but a segal proceeding. I do not see how that is competent.

The Court—Is there anything that you know about this automobile.

The Witness—That is all. I seen him move back up Kensington again and stop. I went about my work at that time. The last time I saw him he was up as far as the railroad track on Kensington avenue. I couldn't say how far from Bailey avenue, but it is in good sight. That is all I know. I wouldn't know anything about the automobile if it wasn't for the slushy evening. I didn't see the occupants of the automobile. They had a rubber cloth drawn up to their chim. I saw it was a gentleman and a lady, and that is all I know. I learned the next morning that an automobile went into the stone quarry. Not before that did I learn it.

Penney took the witness in hand Mr. Penney took the witness in many and questioned him sharply for several minutes. He nagged him as to his reason for fixing the time he saw the automobile. Then he asked "Do you know the difference between an automobile and—" COURT SHUTS OFF PENNEY.

"Step down," cried Justice Murphy to brigger. "I don't think we shall try a case at here, Mr. Penney. I am holding an quest, that is all. I am not going to fight is case out between attorneys.
"Haven't the other parties any rights are?" asked Mr. Penney, who was white here?" asked Mr. remacy,
with anger.
"No right to cross-examine whatever."
"No right to cross-examine whatever."

said the Justice coldly.

Mr. Penney—Is this proceeding to go on without reference to the rights of any-The Court—This proceeding will go on

in the regular way, according to law.

Mr. Penney—There hasn't been anything regular in this whole proceeding.

The Court—Well, if you aren't satisfied you can leave the room.

Mr. Penney—I am not going to leave the

The Court—I will exclude you from the room if you do not behave yourself.

Mr. Penney—If your Honor wants to exclude me, do it. ude me, do it. The Court—I will do it if you don't behave

yourself.
Mr. Fenney—Well, do it; I will stand here just as long as I think I ought to protect the rights of these people.
The Court—If they do not conduct themselves properly according to law here I will exclude the gentlemen, and, if necessary, I will hold this inquest privately, which the law gives me the right to do

Mr. Penney—Do it; I think that would have been a very proper thing to have done in this whole proceeding.

thing that may afficiency anything refers to answer.

"Well you are purely according to have done in this whole proceeding.

Justice Murphy, ignoring Mr. Penney, called the name of the next witness.

"The whole thing has been irregular from the beginning," cried Mr. Penney, but the Judge was concerned with getting the witness, George Volk, on the stand.

the witness, George Volk, on the stand.
Mr. Penney asked permission to continue
the examination of Jerger.

"Permission is refused," said the Justice.

"I just want it on the record," said Mr.
Penney, "to show what is being done here."

Volk, who is a sale onkeeper on Kensington avenue, said that Pennell, whom
he knew, entered his barroom at 5:400 ck ck
in the afternoon of the tragedy, bought a
drink of whiskey and carried it out to his
automobile. On his return he had a drink
and a cigar.

and a cigar.

James Riley, a boy, told of seeing Pennell step into the automobile after leaving Volk's salcon. Pennell made a remark to Mrs. Pennell, and both laughed. Arthur Riley, James's brother, corroborated the

Gerge D. Campbell, a resident of Kensingten avenue, said he watched the Pennell automobileas it rede through the rain between 4 and 5 o'clock. It went up and down side streets and he could not understand why any one should go about, with no apparent purpose, in a driving rain. A WITNESS OF THE HORROR.

A third boy, George Dunbar, was the incipal witness of the horror itself. He

A third boy, George Dunbar, was the principal witness of the horror itself. He was walking in the street near the quarry when the automobile came up behind him and the bell rang.

"Just as I turned around," said Dunbar, "the man was bringing his hand down as though he grabbed for his hat. I saw his hand come down, and the machine swayed to the left. Lannen and I ran over the sige of the quarry. The machine had gone over. We saw the woman lying back of the machine. Pennell was under the machine. The top of his head was off and his brains lay a few feet away. Lannen ran for an ambulance and I stayed and covered the woman up with a laprobe. The hat wasn't in the quarry until some one threw it in from the street, where it had fallen.

"I heard the woman scream as they went over. From the time I saw the man's hand move until the time they went over.

went over. From the time I saw the man's hand move until the time they went over was so quick that I could hardly count. The automobile did not seem to be going very fast at the time."

I'BURANCE COMPANIES REPRESENTE Attorney Maurice C. Spratt asked per-ission to question Dunbar. Mr. Penney manded to know whom Mr. Spratt repre-

entance to show whom air. Spratt represented.

"I think he represents the insurance companies," said the Justice. "That is pretty well understood."

Mr. Penney—That is the reason why, in the beginning of this, your Honor, I wanted to have this thing understood; that the parties interested have some rights that need to be protected when the insurance companies apparently are watching this case and want to participate in the investigation. Apparently this is not an ordinary inquiry into the cause of death. It is apparently the preparation for trial of a litigation.

of a litigation.

Justice Murphy said he would decide whether Mr. Spratt's questions were proper

or not.

Mr. Penney started a line of questioning that might show that Pennell was stooping to put on the brakes as the machine went over the cliff. Mr. Spratt tried to do some objecting, but the Court shut off both the lawyers.

LAWYER PENNEY ON THE STAND.

Mr. Coatsworth then called Mr. Penney to the stand. Penney said he had known Pennell aince they attended Yale. He met Mrs. Pennell seven years later. As soon as he heard of Pennell's death he telephoned to relatives in New York and New Haven and then asked the police to put a guard at Pennell's house and office. He denied that he visited Pennell's house or office that night. A'Guaranteed Cure for Piles.

Itching, Blind, Riceding and Protreding Piles, so cure no pay. All druggists are authorized by the manufacturers of Paso Chimean to refund the mesey where it falls to our any case of piles, no matter of how long standing. Ourse ordinary cases in six days; the worst cases in fewereen days. One application gives case and reachers days. One application gives case and reachers and it is the only pile remedy sold on a possible guarantee. So cure, p. pay Price 60.—do

house until J. Fred Pennell had arrived bere. He visited Pennell's office on the morning after the tragedy, found a policeman on guard and told Pennell's chris to look the door. He instructed the policeman not to allow any one to enter until J. F. Pennell arrived. In the 1-fternoon he met the Pennells and the Lumbs at the railroad station and took them to the Sisters' Hospital, where Mrs. Pennell was dying. He swore that he did not go to Pennell's home until twenty-four hours after the death, and his mission was to see the dead man's brother and mother. He deni d that J. F. Pennell talked to him of finding any pepers or that he looked for any. The family was talking of the "accident," he s.id, not of business. He and J. F. Pennell then went to A. R. Pennell's office, where the olerk, Mr. Omphalius, was a waiting them.

There evidently was no love lost between Mr. Penney and the District Attorney, and the fr dislogue was more bitter than the printed words would denote. Mr. Coaisworth tried to pin Mr. Penney down in the matter of finding papers.

SCRAPS WITH THE DISTRICT ATTORNEY.

O. I ask you if that night, March 11, was

SCRAPS WITH THE DISTRICT ATTORNEY. Q. I ask you if that night, March 11, was the first time you had been to Pennell's office, excepting the morning when you went there and found a pollo-man on guard? A. Now do you me an during that day? Q. Any time. A. I have been in that office a great many times, but not on that

Q. Had you been there before, that day? A. I was not, on that day.
Q. Not on that day? A. Well, that is the answer to your question, for it isn't your question.
"It isn't necessary for you to be a smart Alec at all," said Mr. Coatsworth, interrupt-

ing the witness.

Mr. Penn: y-I am not a smart Alco,
Mr. Coatsworth, and don't int nd to be.

If you put your questions properly I will

anwer the m.

The District Attorney—All these questions are put to you in the proper way and the yealt for a proper answer.

Mr. Penney—Well, you aren't as competent to judge of the propriety as some others, perhaps.

The District Attorney—I suppose you refer to yourself. fer to yourself.

Mr. Penney--No use getting into trouble about this, Mr. Coatsworth. I am not going to set myself up against you-too smart, you know. I can't compete with

The District Attorney—Well, I know you're a great fellow [this with rare sarcasm].

The Court—Never mind; go ahead. PAPERS IN PENNELL'S SAPE.

Q. Did you examine the contents of Arthur Pennell's safe on the night of March 11, when you went there with Fred Pennell?
A. I examined some things. I don't know that I examined the contents of his safe.
Q. Did you see any papers there in his safe that night? A I didn't go into his

. Who opened the safe? A. Mr. Om-lius, I think.

Q. Who opened the safe? A. Mr. Omphalius, I think.
Q. At whose request? A. I presume both of us. I don't know.
Q. Did you take any papers out of that safe? A. I don't remember.
Q. Did any one take any papers out of that safe? A. I don't recall that.
Q. Did you see anything taken out of any iron boxes that night in Pennell's office? A. I saw some things taken out and put back.
Q. Did you see any papers taken out of any of the iron boxes in his office? A. I saw some taken out and put back.
Q. Did you examine any papers that were contained in those iron boxes? A. I did—a number of them.
Q. Did you find any envelopes in those iron boxes?
PENNET REFUSES TO ANSWER. PENNEY REPUSES TO ANSWER.

Penney could stand no more, it He wheeled toward the Judge seemed He wheeled toward the Judge and said very earnestly:

"Now, if your Honor piease, I am going to make a statement he and it may save a lot of questioning. I am attorney for Mr. Pennell as administrator for the heirs, and also for the administrator of Mrs. Pennell's estate. Now if this counsel proposes to ask me anything relative to Mr. Pennell's business or his papers, or anything affecting that which came to me in my capacity as attorney. I am going to anything anecting that which came to me in my capacity as attorney, I am going to decline to answer. I am perfectly willing to make a statement—under the instruction of my client, waiving my rights—as to any-thing that may affect the Burdick murder case, anything referred to in the subposa, but anything beyond I must decline to answer."

answer."
"Well you are privileged, I suppose, to refuse to answer," said the Court. HAD FRED PENNELL THE BIGHT TO OPEN

Mr. Coatsworth turned his questions to the legal right of J. F. Pennell to open Arthur Pennell's papers before letters testamentary were issued.
Q. You knew, didn't you, at that time, that J. Fred Pennell could not take letters

testamentary out of that estate, did you not, inasmuch as Pennell had died before his wife? A. I don't know what you are

talking about.
Q. You don't want to know, do you?
Mr. Penny [turning to the Court]—If
your Honor please, I am entitled to proper courtesv here.

Mr. Coatsworth—I am going to give you

just the same as you give me. At the time that you went down to Pennell's office and examined those papers, Fred Pennell was not entitled to letters of administration upon Arthur R. Pennell's estate, was he? He was. Q. In the first instance? A. He and his

Q. In the first instance? A. He and his mother were entitled at that time.

Q. Was he entitled to administration of his mother at that time.

Mr. Norton—If your Honor please, I am counsel in this case and I object to that question. I do not understand this is an Appellate Division. That is a pure question of law. If Mr. Coastworth doesn't know the answer to it I don't think we do.

The Court—Upon the question of privilege it is perfectly right to determine whether or not Mr. Penney was acting as attorney for the estate at that time.

The Witness—If your Honor, please, I was attorney for Mrs. Pennell, for Fred Pennell and for the Lambs and everybody interested in it.

Mr. Norton—The only person, I understand, he was not retained by was Mr. Thayer.

The Witness—Yes.

Thayer.
The Witness—Yes.
Mr. Norton—You were not retained by him?
The Witness—Oh, no; I didn't know that he was interested in the estate at that time.
The Court—Well, if Mr. Penney claims privilege on any of these questions I am going to sustain him. FOUND NOTHING RELATING TO BURDICE.

The Witness-If your Honor please, I have stated that I am perfectly willing to state—as I understand my clients are willing that I should—that on the examination of these papers I found nothing which in any way related to Mr. Burdick, Mrs. Burdick, detertive reports or anything that would detective reports or anything that would be relevant or competent in the Burdick investigation. There was nothing of that kind. If this is an effort on the part of the prosecuting officer to ascertain that, I will state that to him, frankly, on my oath here

as a witness.

Mr. Coatsworth—Did you find any papers belonging to Pennell's estate that in any way referred to the Burdick family? A. I way referred to the Burdick family? A. I did not, sir.
Q. Or the name of "Burdick" used in any of the papers? A. I saw no paper that came within my notice or found none where the name "Burdick" was mentioned.
Q. And no reference was made to this Burdick murder? A. No reference of the slightest kind.
Q. Do you know what Mr. Pennell's financial standing was when you became acquainted with him in 1884? A. I decline to answer.

O BRAWET.

to answer.

Q Tou weren't his attorney at that time? A. Well, perhaps I can satisfy you by saying I don't know, as I didn't know at any time, anything about it.

Q. Have any claims against his cetate been presented to you since his death?

A. I decline to answer. A. I decline to answer.

DIDN'T KNOW PENNELL WAS A DEPAULTER. The Court-Do you wish to say anything about this newspaper story as to

his being a defaulter? A. I don't understand your question, your Honor.

The Court—Well, it has been generally talked and heralded through the newspapers that some of the family or some one interested in the estate of Pennell has given it out that he was a defaulter. A. The person who inspired that article can probably give you the information. I don't know anything about it.

Mr. Coatsworth—You didn't give out that information to the newspapers, Mr. Penney? A. There's the man that wrote it [pointing to a reporter]. Put him on the stand and find out.

Mr. Coatsworth—I didn't ask you about that man. I am asking you. Mr. Penney— I did not give it out, sir. There's the man that wrote it. Now ask him who gave it

to them.

Q. Do you know of any paper being left
by Arthur R. Pennell admitting that he
owed anybody any particular amount of
money?

The Court—He declines to answer those

questions, Mr. Coatsworth

NEVER SAW THE \$50,000 BOND NEVER SAW THE \$50,000 BOND.

Q. Do you know of Arthur R. Pennell having exceut d a bond in the sum of \$50,000, conditioned for the payment of \$25,000 to Mrs. Burdick? A. Never heard of it exc pt as I saw it printed in the paper.

Q. And you have never seen the original of that bond? A. If I never heard of it I couldn't have seen it.

Mr. Coatsworth—I don't want any of your logic, sir, at all.

Mr. Coatsworth—I don't want any or your logic, sir, at all.

Mr. Penny—It is unnecessary to answer that question, in my judgment, when I say I never heard of it.

Mr. Coatsworth—I am not asking for your judgment. I am asking for your answers.

The Witness—I decline to answer further, if your Honor please. I never heard of it or saw it.

Q. Have you had a conference with Mr. Wallace Thayer about Pennell's matter.

A. J have not.

Q. Did you send Fred Pennell to see Mr. Thayer about Arthur Pennell's affairs?

A. I did not.

Q. You knew of him being there to see Mr. Thayer, did you not? A. I only know what has been published in the papers.

NEVER SAW PENNELL'S STATEMENT. Q. Did you know of any statement that was prepared by Mr. Pennell for the press regarding this Burdick affair? A. All I know of that is what I have seen in the

papers.
Q. You have not seen the original of that statement? A. Well, if my first statement Mr. Coatsworth—I am not asking for

Mr. Coateworth—I am not asking for your logic.

The Witners—I never saw nor knew of anything about that statement except what has been printed in the papers.

Q. Have you received any letters from any one living outside of this city claiming that Arthur R. Pennell owed them any money at the time of his death? A. I have not six.

money at the time of his death? A. I have not, sir.

Q Has any one been to see you claiming that Arthur R. Pennell owed them money?
A. There has not, sir, except a plumbing bill down here at Irlbacker & Davis's, I think; they sent me a bill for a bathroom, and I think the Electric Machine Company sent me a bill for fixing up the automobile.

"Well, now, that's a clever way to answer the question," said Mr. Coatsworth, who appeared satisfied that Mr. Penney was tamed, and let him leave the satand.

WALLACE THAVER MAKES A STATEMENT.

WALLACE THAYER MAKES A STATEMENT. Wallace Thayer, who was Pennell's con-fidant and lawyer, was a well -prepared

fidant and lawyer, was a well prepared witness. He said:

"The District Attorney has permitted me to make a short statement of fact, so that the examination may be curtailed. All communications between Arthur R. Pennell and myself, from the beginning of the month of December to the time of his death, were professional communications. I stood in the relation of attorney and client with the and with Mrs. Alice Burdick. death, were professional communications. I stood in the relation of attorney and client with him and with Mrs. Alice Burdick. In the course of those communications, and in all that I learned in connection with the affairs of those two people, I learned nothing that in any way related to the question of Mr. Burdick's murder or to the question of the death of Mr. Pennell being an accident or a suicide. He never told me he intended to commit suicide; I never thought he intended to commit suicide. He left with me certain written and oral instructions, under my promise not to disclose the nature of those instructions to any one, not to open the sealed packet until after the collection of \$25,000 of insurance, and then to disclose only to the beneficiary or beneficiaries or obligees to whom I should flud the moneys payable. He left with me but one package, and that he left, I am quite sure, on the date of the assignment of the first policy, June 4, 1902. I think there is nothing else I deem myself at liberty to

state."

Q. You do not know the contents of this sealed packet? A. I do not.

Q. You do not know at this time, then, whether there is any reference there to Mr. Burdick or to Mrs. Burdick? A. I do

Q. Has any one been to you to get you to collect any claims against the estate? A. No, sir.

PENNELL'S CLERK CALLED. Wallace G. Omphalius, the clerk in Pen-nell's office, said he talked with Pennell on the Saturday following the murder. Pennell dictated about twenty letters to friends nell dictated about twenty letters to Frends in as many cities, assuring them that he was innocent, and afterward dictated the first draft of the document which has been referred to as Pennell's last statement. Omphalius said that this statement was found in the office by J. Fred Pennell. He told the District Attorney that he had kept a conv of the first draft.

copy of the first draft. a copy of the first draft.

The court took a recess while the witness ran to his office and got the statement, When he returned Mr. Coatsworth offered when he returned Mr. Coatsworth onered the draft as evidence, saying it should be accepted for the reason that J. Fred Pennell, who had the revised statement, was not in court and could not be reached. The draft was admitted and Mr. Coatsworth read it, as follows:

it, as follows:

PENNELL'S STATEMENT.

"To THE PUBLIC: Now that the flood of sensationalism and yellow journalism has lessened and that public excitement has died down to a calmer consideration of the facts and events leading up to a terrible tragedy which has recently taken place in this city, I wish, in behalf of myself, but especially more in behalf of others whose sufferings are even greater than mine, to make this statement:

"Owing to the fact that my name was so unfortunately at this time connected with the pending divorce proceedings, it

with the pending divorce proceedings, it was forced into local publicity in connection with the tragedy itself. So far as any possible connection with that crime was concerned I satisfied, I think, the District

with the tragedy itself. So far as any possible connection with that crime was concerned I satisfied, I think, the District Attorney and his assistants thoroughly that I had nothing to do with it, and since that time neither has my house or myself been under suspicion or surveillance. After being out for a short time in the early part of that evening I spent the rest of it at home, as was shown by the evidence of my wife and the servant girl in our house. I think I was soon acquitted, both by the public and the authorities, with any connection with the crime.

"It now be come incumbent upon me to make some statem at a lative to my connection with the divorce proceedings. In this statement I wish to say as little, as possible upon the dead. But it must be remembered that those who are living have the living are greater than the rights of the living are greater than the rights of the living are greater than the rights of the dead. There was no truth in the charges brought by the plaintiff in that proceeding against the defendant and myself. The charges were absolutely dead under oath and countercharges had been made, and in a short time the case would have been quietly tried before a referre and at the defendant had been strained for some time. Twice he has unjustly attempted to make her leave her home. My wife and myself had taken her side in the controversy that arose between the mand she had consult due for legal advice and protection. During this time the man himself was in intimate relations with a woman whom he de sind to marry. For that purpose it was necessary to be free frem his wife. He discover defendence in the rowe for the past vault where she is purpose the safe deposit vault where she is purpose.

ord row r by blank signature; and purioning the bys from by.

Being thus apprised of the evidence
against him, he determined to anticipate
her action by bringing as action himself
in order that he may have the appearance
of being the injured party and out of vindictivences and destre to injure me as much
as possible he made me a defendant in the

action. His allegations were properly denied and the issues would have been squarely met, when his death occurred at the hands of some unknown woman whom he had invited to his house at midnight. Nothing more unfortunate could have occurred for everybody involved, as the entire matter necessarily became public, and if the truth could have appeared, the harm would not have been so great, but truth and yellow journalism are at opposite poles, and consequently a mass of lies, fiction and imagination was published which had no possible basis in fact, but for the sake of those most concerned some of those misrepresentations must be taken up and met.

met.

"First, in reference to the office which I was alleged to have maintained in the Ellicott Square. That office was leased and furnished by me under an arrangement with another man, whose name can be given, to enable him to do a collection business. Shortly after that arrangement was made, he received an offer of a salaried position in another city, which he desired to accept. I arranged, therefore, to release him, and no business was ever done in the office, nor was it ever used as a meeting place in nor was it ever used as a meeting place in any manner so falsely and unjustly indi-

any manner so falsely and unjustly indi-cated:
"Second—In reference to the alleged statements of a New York detective agency whose main business seems to have been to give their clients to the public, I desire to say that without knowing what arrange-ments were made with them by any person, any statements on the part of such agency tending to reflect in any way upon myself or any other person involved are unquali-fiedly false and have no base in fact. They are made upon those unfounded statements e made upon those unfounded statements the class of spies which have become such a doubtful value that even in the courts it is now almost universally hele that the presumption is against their credit.

"Third—During the pending of the divorce action, it became necessary for me to consult with the defendant in reference to the course to pursue. For that purpose, it was necessary that a meeting should take place here, New York or Atlantic City, but in such cases, as can be absolutely proven, those meetings were in such places and circumstances as to absolutely nega-tive any other idea than the purpose of transacting the affairs relative to the di-

"Finally—It may be said that the crime is as great a mys ery to the wri er as to any one. That the terrible notoricty and pubis as great a mys'ery to the wri'er as to any one. That the terrible notoricty and publicity has been brought upon people, more especially women, who have entirely undeserved it, and great wrong has been done all concerned. especially to the family which has and must suffer most. For that we must thank the spirit of yellow journalism, which does not hesitate to vielate every principle of truth, honor, chivalry, justice and sanctity in these efforts to make news and sell papers which make that style of journal one of the sickening things of modern civiliz ton."

TWO BEVOLVERS IN PENNELL'S DESK.

TWO REVOLVERS IN PENNELL'S DESK. Mr Omphalius could not remember what changes Pennell made in the draft. They were not material, however. He said that Pennell always kept a revolver in his desk and that he found two there after Pennell's

ing after Burdick was killed. Omphalius was the last witness.

J. Fred Pennell being absent, Justice Murphy said he would have been questioned about his brother's statement and about the defalcations.

Mr. Penney—I understood from the printed statements in the press that the counsel was not interested in that. The only issue here was to find out anything relative to the Burdick case. If that is the desire of the counsel, I have stated all that can be stated by anybody in reference to the papers. I know as much about that as Mr. Pennell does. If this statement is the thing that is desired, I understand from the testimony of the witness that that is substantially the same; that the changes are immaterial. the changes are immaterial. DID PENNELL COMMIT SUICIDE?

Mr. Coatsworth—It, of course, is for the Court to decide as to the relevancy of the questions that might be asked of Mr. Pennell which might touch upon these alleged defalcations on the part of Mr. Pennell that we have heard so much about, and which would have a material bearing upon the question in this inquest as to whether Mr. Pennell committed suicide or not. It seems to me that it is most material.

Mr. Penney—The counsel has been quoted in the papers—of course. I don't know whether correctly or not—that he didn't care to go into that question.

whether correctly or not that we don't care to go into that question.

Mr. Co tsworth—Sinc that time I have been requested by his Honer Judge Murphy to conduct this *x minution, and it has therefore been incumbent upon metorse runn by the *x minution of witness s whether or not this was a suicide or acciwhether or not this was a suicide or acci-

the Court—The question here is that, essuming that he was a defaulter, would that prove that he committed suicid—?

Mr. Coatsworth—It would form a mo-

Mr. Penney—Supposing he did commit suicide, what public interst would be subserved by showing it? It is not a crime.

The Court—No; simply it is the duty of the Court to say it was so, if it has eviance to s y so.

Mr. Penney-If there was any public iner stat stake; if there is no public inter st,
what is the right to take up the time of the

Coatsworth-There may be Mr. Penn y, who may be interested in know-ing how Mrs. Pennell came to her death— whether she was tak n over there by her husband unaware by accident, or whether she was taken owr there deliberately, her husband intending to kill her at the same time he killed hims if, if he did so.

THE COURT'S PINDINGS. The Court—I don't believe that any greater motive could be established than has already, in my mind, after having gone through the Burdick inquiry; and, although I have considered that there was

although I have considered that there was a motive, a very strong motive, the fact that he was a defaulter would be simply cumulative to my mind. While there was such a motive, I can't say from the evidence that he committed suicide.

"I certify and find," continued Justice Murphy, "that Arthur R. Pennell came to his death from a crushed skull on the 10th day of March, 1903, the result of injuries received while riding in an automobile, said automobile lunging from the embankment into the Gehres stone quarry; that I cannot determine from the evidence whether such plunge was accidental or designed.

designed.
"I certify and find that Carrie L. Pennell came to her death on the 11th day of March 1903, from shock, due to injuries while riding in the same automobile. That is the finding of the Court."

And so, at 5:15 o'clock, it was all over.

EAST CHICAGO CO.'S PURCHASE. Buys Up Big Manufacturing District South of the Lake. CHICAGO, April 10 .- One of the largest

deals in n al estate ever made by Chicago and New York capitalists has just been and New York Capitalists has just been closed.

The East Chicago Company, with a capital stock of \$2,500,000, has bought the property of the Lake Michigan Land Company, the Standard Stel and Iron Company and the Calume t Canal and Improvement Company, corrections whose combined

the Calum t Canal and Improvement Company, corporations whose combined capital was nearly \$4,000,000.

The purchase gives the East Chicago Company control of the whole of the East Chicago manufacturing district, a tract of land cowering 5,500 acres in Indiana, sew nearly company control of the Grand Calumet River, and comprising the cities of East Chicago and Indiana Harbor, a deep ship harbor at the latter place and the project dicalumet Canal, connecting the harbor with the Calumet River.

More Land for Dyker Beach Park. The local board of the Bay Ridge district adopted a resolution yesterday to recommend the acquisition of additional land from Seventh avenue to Fourteenth avenue to Eighty-sixth street, to be added to Dyker Beach Park. The property described includes the links of the Dyker Meadow Golf Club.

Hanged During Good Friday Services NonFolk, Va. April 10.-Alexander Spenoer, colored, 18 years old, who assaulted and brutally murdered aged Mrs. T. R. Wisborne, white, was hanged at Houston, Va., to-day while Good Friday services were being haid in the churches.

FIRE ROUTS MANY TENANTS.

LIVELY SCENES AT A BLAZE IN FIFTH AVENUE.

Capt. Zalinski, the Inventor, Slid Down the Banister—Some of His Valuable Plans Destroyed—Art Objects in a Rear Building Burned—Loss \$100,000.

The tenants in the apartments on the four upper floors of the five-story double brown-stone building at 220 and 222 Fifth avenue yesterday morning by a fire which started in an old-fashioned, three-story, mansardroof building in the rear. It has been used as a storage place by John F. Douthitt, an art dealer, who occupies the ground floor at 222 Fifth avenue.

The building where the fire started is said to be more than fifty years old and to have been a private residence surrounded by a spacious garden at a time when the rest of the block was not built up. The block is bounded by Fifth avenue, Twenty-seventh street, Broadway and Twenty-sixth street. The Hotel Victoria runs along its northern front from Boadway to Fifth avenue. The Victoria Annex is at its southwestern corner, while its southeastern corner is occupied by the Croisic apartment house.

The fire destroyed a number of plans, E. L. G. Zalinski, the inventor of the dynamite gun, who, with his nephew, Lawyer Simon L. Adler, occupied three rooms on the top floor of the apartment house. Capt. Zalinski, who has been at work for a long

Zalinski, who has been at work for a long time on a new gun, was unable last evening to tell how serious his loss was.

The other tenants at 220 and 222 were:
J. Ensign Fuller, his sister and nlece; the Misses Huntington, musicians and relatives of the late Collis P. Huntington; Mrs. Penfield, artist, and Miss Little, a stenographer; Mrs. Rich and daughter, George H. Whitmore, Mrs. Krauser, Mrs. S. J. Higginson, sister-in-law of Admiral Higginson, and her daughter; and Mr. and Mrs. J. Richard Tennant.

After the first alarm of fire Mrs. Tennant started out to rouse the other people in

the the inst taural of the Mrs. I can also started out to rouse the other people in the building. She began with Capt. Zalinski, who is a cripple. From his room she went to every other apartment in the

she went to every other apartment in the house.

Special Policeman Dunn and Mr. Adler tried to carry Capt. Zalinski down, but found him too heavy. The inventor's mechanical mind asserted itself and by his direction the two men lifted him on the the old-fashioned banister and began to slide him down. They had passed two floors successfully, when they got tangled up in a lot of hose dragged upstairs by the firemen. Capt. Farley of Hook and Ladder 24 picked Capt. Zalinski up in his arms and carried him downstairs.

Mrs. Feafi ld was discovered in her room

and carried him downstairs.

Mrs. Feafi Id was discovered in her room by the janitor, William H. Harris. She was walking around in her nightdress, taking her sketches and drawings down from the walls. She was led downstairs will her arms full of pictures. Mrs. and Miss Higginson are the owners of three Angora cats which they say are worth \$700 and or.

Angora cats which they are stored the top \$700 apicon. When Policeman Duffy reached the top floor, he found the two women chasing the cats from one room to another. The cats would not be caught and the women would not I ave without the cats. Duffy had to help in the hunt until the last cat had been stored away in a bask t. Then the whole stored would the irway to the storet. stor d away in a bask t. Then the whole party made their way to the street.

The fire caused Deputy Chief Binns to send in a second alarm. It spread along two wooden bridges from the old building to the apartment house, when, however, it did not make much headway. The only rooms that sufferd much damage were those of Capt. Zalinski and of Mrs. Krauser, who lived right telow him. The old building, with most of its contents, consisting of taps stries, paintings, antique furniture. tap stries, paintings, antique furnitur and art objects, was almost totally de-

There was some excitement in the Croi-ric and the Victoria Annex and lodgers in both places got out in varying stages of under ss. Victoria Night Clerk Cavanagh In the Victoria Night Clerk Cavanagh sounded the fire gongs and sent hallboys to the rooms of the guests. In a few minutes nearly every guest had appeared in the lobby. One of the first to appear was Senator Towne of Minnesota, who came down carefully gloved, but insufficiently depend otherwise.

down carefully gloved, but insufficiently dressed otherwise. Another man showed up in a silk hat, a nightshirt and a pair of trousers. Under his arm he carried a box of fine imported cigars, his most valuable property. One of the last of the guests to come down was Pete Dailey, the actor. Finding the lobby full of smoke and half-dressed women, he walked up to the counter and called out to the clerk:

"Look here, sir, I must protest against all this smoking in the presence of ladies."

There were so many cries for stimulants and so little responses to them that a water wason club was organized on the spot with Dailey. Tony Pastor and Frank Bostock, the animal man, as chief officers. Just as the organization was about to be perfected Bandmaster Duss appeared on the scene in a beautiful suit of new pajamas. He explained that he had been strolling about the corridors looking for somebody to rescue.

rescue.

Mr. Douthitt said last night that his stock was insured for \$40,000, but that he was wholly unable to estimate his loss. Chief Purroy thought the entire damage amounted to about \$100,000.

SAYS TEXAS HAS BEEN ROBBED. Representative Charges That Rusk Penitentiary Funds Are \$150,000 Short. AUSTIN, Tex., April 10 .- A sensation was

reated in the Texas House of Representatives to-day over an alleged defalcation n the Rusk Penitentiary funds. Representative Jones of Panola county

author of the resolution for the Legislative Committee to investigate the defalcation of A. S. Busby, former State assistant financial agent at the penitentiary, said during the debate:

"The fact is that the State has been robbed of \$150,000, and I have the facts in my desk to prove it." This statement created a profound im-

pression. A resolution to create a committee went over till to-morrow. There seems to be fear in certain quarters that a genuine investigation may find irregularities beyond the Busby defalcation.

VAN NESS MISSES MR. LOW. Vagabond With a Distinguished Name Visitor at the City Hall.

Schuyler Van Ness, a tramp whose nam is his chief asset, called at the City Hall yesterday and asked to see the Mayor. yesterday and asked to see the Mayor.
Sergt. Kennel told the man that the Mayor didn't come down on Good Friday.

"Well, I'll tell you what I came here for," said Van Ness. "I want to make him a present of thirteen Philippine beans. But say, tell me first if Mayor Low is frosty or a good proposition. I used to call on Mayor Van Wyck every Good Friday and that call was worth a dollar to me."

Van Ness is periodically arraigned in the police courts for drunkenness or vagrancy. He usually says that he is a member of a distinguished family and pleads for his release with a torrent of high-flown language.

Public sentiment has set its seal

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its purity, flavor and sparkle make it a perfect table water.

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\$184.50 from New York Returning independently on regular rains, \$109.50 and \$120.50 from New ork, according to route selected.

YELLOWSTONE PARK TOUR MAY 12 TO JUNE 23, 1903.

Special Train of Pullman Dining, Drawing-Room Sleeping, and Observation Cars, going via Denver and Salt Lake City and returning via San Francisco, Portland, and Yellowstone Park.

W. W. ATTERBURY, General Manager.

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Rates quoted cover transportation, Pull-man accommodations, and meals in dining car on special trains going and returning. Returning independently tickets cover transportation only.

Detailed Itinerary will be sent on application to Tourist Agent, 263 Fifth Avenue, New York, or GEO. W. BOYD, Assistant General Passenger Agent, Broad Street Station, Philadelphia.

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Proportionate rates from other points on the Pennsylvania Railroad.

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HOW AN IRON FLEET VANISHED

BOATS DESIGNED FOR CHEAP CANAL TRANSPORTATION.

Built to Accept All the Advantages of the Canal Enlarged by the 80,000,-000 Appropriations-New They're in the Philippines Profits Were Meagre. It is the theory of the honest advocates of the 1,000-ton barge canal that when the

\$101,000,000 has been spent in enlarging the ditch there will be a great rush of shipping interests to construct 1,000-ton barges. Something like the same idea was entertained when the plan of 1895 was adopted and the people taxed themselves \$9,000,000 for a scheme of canal enlargement. A fleet of eighteen whaleback boats was put on the canals. Are they there now? John N. Partridge, who was State Superintendent of Public Works, in his report for the year 1901, sent to the Legislature last

year, wrote: nine feet has been regarded as the determin-ing factor which resulted in the construction of a triple fleet of steel canalboats, eightee in number, which were completed and place in commission in 1898. This enterprise, the time of its inception, was revarded all friends of the canals everywhere as a hopeful sign indicating a return of the canals to their one-time glory. These steel boats, though looked upon as an experiment, had come to be regarded as a permanent addition to canal facilities and it was therefor

rith much regret that the news of their withdrawal from the canals was received As various rumors were sent out regarding the reason for their withdrawal I took occasion to communicate with the former owners of the fleet. The information which this iquiry elicited has so direct a bearing on this whole subject of canal improvement and anal facilities that, with the permission of the officials of the company, I quote from the

statement made to me on the subject After advising me that these steel boats had been sold to the Philippine Transportation and Construction Company and that the purpose was primarily to use them in the Philippines for lighterage purposes at Manila, and also for participating in the interisland trade, the statement was made that it is not the intention of the company to replace these boats with others. It is further stated, after acknowledgement is made of courteous treatment from the State's officials that "there has been no year when the boats d not make money, but the returns have been so meagre as compared to the possi-bilities in the Philippines that we have not

hesitated to take them there."

The head of this new enterprise in the Government's new possessions, Mr. Charles E. Wheeler, adds this significant statement "My own experience has been that the Erie Canal is destined to be a failure unless the State addresses itself to the question of terminals both at Buffalo and New York. There has been a steady decline in rates." The business interests which tried the speculation of building craft especially

the improvement made by the \$9,000,000 appropriation found the scheme profitable in so small a degree that the boats were sent to the Philippines and no others were built to take their places.

The 1, 3 -ton barge will bear the same relation to the \$101,000,000 canal that the iron whaleback bore to the canal after the \$9,000.000 improvement had been made. Shipbuilders are wondering whose capital

constructed to take all the advantages of

will go into the experiment of the 1, weton barge. Not a line in the Davis bill suggests improved terminals, without which even the favorably disposed owner of the whalebacks predicted that "the Erie Canal is destined to be a failure."

BUTLER FLED WITH JEWELS. Bell, Who Robbed Mrs. Barelay, Brought

Here From Besten.

Edgar Bell, alias Henry Beach, who was arrested in Boston a couple of weeks ago charged with the larceny of \$2,500 worth of jewelry from Mrs. Clara S. Barclay of of jewelry from Mrs. Clara S. Barclay of 32 West Sixty-ninth street, was brought here on Thursday night and arraigned yesterday in the West Side police court. He pleaded guilty to the charge. Magistrate Cornell held him in \$2,000 bail for trial. Mrs. Barclay is a sister of ex-Park Commissioner Clausen. She employed Bell, who is 28 years old, as a butler on March 7. Two days later she went out shopping early and when she returned her new butler was gone. So was a thousand-dollar diamond ring, several other rings, a pearl and diamond needlance and \$60 in cash.

EASTER DISPLAY POTTERY & GLASS DEPARTMENT

Messrs. Tiffany & Co. have recently enlarged the showroom and made other improvements in their Pottery and Glass Department.

These changes materially assist the proper presentation of their stock of highly decorated plates and other fine porcelains, rich'y cut glassware in rock crystal effects and the new forms

and diversified colors of

Tiffany Fabrile Glass Patrons will find this display excels any heretofore made. It is particularly interesting in the variety of artistic objects

suitable for Easter and

Weading Presents

TIFFANY & CO. UNION SQUARE, NEW YORK

CHARGES HER SON WITH THEFT.

Says He Transferred Her Property, Worth \$100,000, for Little Money. In the County Clerk's office in Brooklyn yesterday a lis pendens was filed in a suit brought by Mrs. Ellen T. Martin against her son, George W. Martin, and William J. Donnelly. Mrs. Martin alleges that on Sept. 4, 1902, at the request of her son she gave to him a power of attorney. She she gave to him a power of attorney. She avers that he executed in her name deeds of property to William J. Donnelly without just or adequate consideration. She also alleges that Donnelly is wholly irresponsible financially and is the mere dummy and tool of her son. She asks that the deeds be set aside and the property be transferred back to her, and that a receiver be appointed pending the trial of the action.

The property which her son has conveyed to Donnelly is valued at \$100,000.

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